

IN RE: PETITION FOR SPECIAL EXCEPTION
S/S Davis Avenue, 4300' W of
Wrights Mill Road
(10205 Davis Avenue)
2nd Election District
1st Councilmanic District
Herschel Polakoff, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-495-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Herschel and Ruth Polakoff. The Petitioners request a special exception to keep an existing residential trailer on the subject property, zoned R.C. 5, pursuant to Sections 1A04.2.B.19 and 415.1.d of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Herschel Polakoff, property owner. Also appearing on behalf of the Petition was Jeffrey Long, a Planner with the Baltimore County Office of Planning and Zoning. There were no Protestants present.

Testimony indicated that the subject property, known as 10205 Davis Avenue, consists of 24.304 acres, more or less, zoned R.C. 5 and is improved with a stable, storage trailer, shed, and a residential trailer. The Petitioner filed the instant Petition as a result of a complaint filed with the Zoning Administration Office regarding the residential trailer. The B.C.Z.R. do not permit a residential trailer on less than 25 acres in an R.C. 5 zone. Testimony indicated that the Petitioner has owned the subject property for approximately 12 years and that the property is used to raise horses. Mr. Polakoff testified that the residential trailer is

used by a tenant who is responsible for taking care of the horses and maintaining the grounds. Testimony indicated that the residential trailer has existed on the site for the past 6 years. Further testimony indicated that the storage trailer is used to store equipment used in the horse business.

Jeffrey Long, a Planner with the Office of Planning and Zoning, appeared and testified in support of the Petition. Mr. Long testified that there are other trailers in the area and that a residential trailer on the subject property will not have any adverse effect on the surrounding community. Further testimony indicated that the subject property is just .70 acres short of meeting B.C.Z.R. requirements.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The testimony and evidence presented indicated that a residential trailer has existed on the property for several years without prior complaint and has not resulted in any adverse effects upon the surrounding community. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special

- 2 -

exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of October, 1992 that the Petition for Special Exception to keep an existing residential trailer on the subject property, zoned R.C. 5, pursuant to Sections 1A04.2.B.19 and 415.1.d of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioners would be required to file a new Petition.
- 2) The relief granted herein is limited to one (1) residential trailer on the subject property. There shall be no other trailers on the property other than the existing residential trailer and storage trailer as shown on Petitioner's Exhibit 1.

- 3 -

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date
By

ORDER RECEIVED FOR FILING

Date
By

ORDER RECEIVED FOR FILING

Date
By

ORDER RECEIVED FOR FILING

Date
By

- 4 -

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

October 26, 1992

(410) 887-4386

I. William Chase, Esquire
1190 W. Northern Parkway, Suite 124
Baltimore, Maryland 21210

RE: PETITION FOR SPECIAL EXCEPTION
S/S Davis Avenue, 4300' W of Wrights Mill Road
(10205 Davis Avenue)
1st Election District - 2nd Councilmanic District
Herschel Polakoff, et ux - Petitioners
Case No. 92-495-X

Dear Mr. Chase:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 10205 DAVIS AVENUE
which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for residential trailer on R.C. 5 zone.

S. 1A04.2, B. 12A.10 415.1.d 502.1

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zip

Legal Owner(s):

(Type or Print Name)

Signature

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

HYDROGRAPHY
TOPOGRAPHY
GEODESY

LEO W. RADER
REGISTERED PROFESSIONAL SURVEYOR

SUBDIVISION
ENGINEERING
TITLE SURVEY
LAND PLANNING

38 Belfast Road - Timonium, Maryland 21093

301-282-2920

May 14, 1992

DESCRIPTION TO ACCOMPANY A HEARING FOR A SPECIAL EXCEPTION

#10205 DAVIS AVENUE

BEGINNING for the same in or near the center of the macadam paving of Davis Avenue distant 4300 feet more or less measured westerly along Davis Avenue from Wrights Mill Road, thence running in the macadam paving of Davis Avenue by the two following courses and distances respectively, viz: North 60 degrees 28 minutes 56 seconds West 498.72 feet and North 59 degrees 19 minutes 31 seconds West 286.67 feet; thence by the six following courses and distances respectively, viz: South 8 degrees 11 minutes 33 seconds West 1937.14 feet, South 68 degrees 07 minutes 27 seconds East 296.16 feet, South 10 degrees 08 minutes 18 seconds East 37.95 feet, North 22 degrees 51 minutes 42 seconds East 1241.85 feet, North 87 degrees 06 minutes 42 seconds East 214.50 feet and North 2 degrees 23 minutes 28 seconds West 518.46 feet to the place of beginning.



Leo W. Rader

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: July 12, 1992
Posted for: Special Exception
Petitioner: Herschel and Ruth Polakoff
Location of property: 315 S. Davis Avenue, 4300' W of Wrights Mill Road
Location of Sign: Mar. 10205 Davis Avenue
Remarks: See attached map of 10205 Davis Avenue
Posted by: S. J. Grata Date of return: July 12, 1992
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/2, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/2, 1992

THE JEFFERSONIAN,

S. Zake Orban

Publisher

\$151.59

92-

VIOLATION

H9200555

QTY PRICE
1 X \$300.00
TOTAL: \$300.00

0404040158HCHRC
04 001141404-16-92
Please Make Check Payable To: Baltimore County



Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R 001-6150
Number

92-495

111 W. CHESAPEAKE

Please Make Check Payable To: Baltimore County
04 001141404-16-92 \$65.32

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 7-10-92

Herschel and Ruth Polakoff
7 Slade Avenue
Baltimore, Maryland 21208

RE:
92-495-X (Item 525)
S/S Davis Avenue, 4300' W of Wrights Mill Road
10205 Davis Avenue
2nd Election District - 1st Councilmanic
Petitioner(s): Herschel and Ruth Polakoff
HEARING: MONDAY, AUGUST 3, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 65.32 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUL 1, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

92-495-X (Item 525)
S/S Davis Avenue, 4300' W of Wrights Mill Road
10205 Davis Avenue
2nd Election District - 1st Councilmanic
Petitioner(s): Herschel and Ruth Polakoff
HEARING: MONDAY, AUGUST 3, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Special Exception for a residential trailer.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Herschel and Ruth Polakoff

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 21, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-495-X
LEGAL OWNER: HERSCHEL & RUTH POLAKOFF
LOCATION: 10205 DAVIS AVENUE

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

MONDAY, OCTOBER 26, 1992 at 9:00 a.m.

IN THE OLD COURTHOUSE, ROOM 118, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Herschel & Ruth Polakoff
Harry L. Chase, Esq.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

July 17, 1992

(410) 887-3353

Mr. & Mrs. Herschel Polakoff
7 Slade Avenue
Baltimore, MD 21208

RE: Item No. 525, Case No. 92-495-X
Petitioner: Herschel Polakoff, et ux
Petition for Special Exception

Dear Mr. & Mrs. Polakoff:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
16th day of June, 1992

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman
Zoning Plans Advisory Committee

Petitioner: Herschel Polakoff, et ux

Petitioner's Attorney:

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DPW/Developers Engineering Division (Public Services) 07/06/92
Development Review Committee Response Form
Authorized signature: *Robert B. Boring* Date: 7/6/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (Aerial Property)	90476			6-1-92
ZON DED	TE (Waiting for developer to submit plans first)			
COUNT 1				
Rita M. and Edward R. Raab, Sr.	514		W/c	6-29-92
DED DEPRM RP STP TE				
✓ Jeffrey J. and Deanna L. Deegan	523		N/c	
DED DEPRM RP STP TE				
✓ Charles M. and Virginia H. Loane	524		N/c	
DED DEPRM RP STP TE				
✓ Herschel and Ruth Polakoff	525		N/c	
DED DEPRM RP STP TE				
✓ Francis D. and Patricia M. Mull	526		N/c	
DED DEPRM RP STP TE				
RMS Nominee, Inc.	527		W/c	
DED DEPRM RP STP TE				
✓ Juanita L. Cottrell	529		N/c	
DED DEPRM RP STP TE				
✓ The Middle River Baptist Church	530		N/c	
DED DEPRM RP STP TE				
✓ Merritt E. and Joann R. Olsen	531		N/c	
DED DEPRM RP STP TE				
Michael J. and Eugenia G. Zavodny	532		W/c	
DED DEPRM RP STP TE				
Baltimore County - Southwestern Bell Mobile Systems	533			
DED DEPRM RP STP TE				

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

DATE: June 30, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 29, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Edward & Rita Raab - Item 514
Jeffrey & Deanna Deegan - Item 523
Charles & Virginia Loane - Item 524
Herschel & Ruth Polakoff - Item 525
Francis Mull - Item 526
Juanita Cottrell - Item 529
Middle River Baptist Church - Item 530
Merritt & Joann Olsen - Item 531
Michael & Eugenia Zavodny - Item 532

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUL 7 1992
ZONING OFFICE

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: *Ruth Polakoff* Date: 7/16/92

Project Name: Rita M. and Edward R. Reeb, Sr.
File Number: 514
Meeting Date: 6-29-92

Item No.: 514
Zoning Agenda: JUNE 29, 1992

RE: Property Owner: RITA M. AND EDWARD R. REEB, SR.
Location: 10205 DAVIS AVENUE
Item No.: 514 (JLL)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry Griffin* Noted and Approved
Planning Group
Special Inspection Division Fire Prevention Bureau

JP/KEK

RES
JUN 29 1992
ZONING OFFICE

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(410) 887-4500

JUNE 25, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HERSCHEL POLAKOFF AND RUTH POLAKOFF
Location: 10205 DAVIS AVENUE
Item No.: 525 (JLL)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry Griffin* Noted and Approved
Planning Group
Special Inspection Division Fire Prevention Bureau

JP/KEK

RES
JUN 29 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: *William R. Smith* Date: 7/6/92

Project Name: Rita M. and Edward R. Reeb, Sr.
File Number: 514
Meeting Date: 6-29-92

Item No.: 514
Zoning Agenda: JUNE 29, 1992

RE: Property Owner: RITA M. AND EDWARD R. REEB, SR.
Location: 10205 DAVIS AVENUE
Item No.: 514 (JLL)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry Griffin* Noted and Approved
Planning Group
Special Inspection Division Fire Prevention Bureau

JP/KEK

RES
JUN 29 1992
ZONING OFFICE

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

ARCHIVE 06/29/92

NOTICE OF ASSIGNMENT

CASE NUMBER(S): 92-495-X
LEGAL OWNER: Herschel and Ruth Polakoff
LOCATION: 10205 Davis Avenue

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

MONDAY, OCTOBER 5, 1992 AT 10:00 A.M.

IN THE BALTIMORE COUNTY ROOM 119, OLD COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Herschel & Ruth Polakoff
Harry L. Chase, Esq.

CHASE & CHASE
ATTORNEYS AT LAW
1190 W. NORTHERN PARKWAY, SUITE 184, BALTIMORE, MD 21204
(410) 488-4100
(410) 488-4174 FAX

HARRY L. CHASE
I. WILLIAM CHASE
BARTON J. SIDLE

July 31, 1992

Timothy Kotroco
Deputy Zoning Commissioner
Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 92-495-X Item 525

Dear Mr. Kotroco:

This office has been retained by Herschel and Ruth Polakoff concerning the above case which is set in for hearing on August 3, 1992.

It is my understanding that Mr. Polakoff filed the request for special exceptions on his own and may be lacking the necessary legal verbiage to be successful at such a hearing. Since we have retained as of July 30, 1992, our office is requesting a postponement in order to review the file and possibly amend the application.

I would appreciate any consideration you would be able to give in this matter concerning our request.

Very truly yours,
Harry L. Chase
HARRY L. CHASE

cc: File
HLC/11s

CHASE & CHASE
ATTORNEYS AT LAW
1190 W. NORTHERN PARKWAY, SUITE 184, BALTIMORE, MD 21204
(410) 488-4100
(410) 488-4174 FAX

HARRY L. CHASE
I. WILLIAM CHASE
BARTON J. SIDLE

August 11, 1992

Arnold Jablon, Director
Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 92-495-X Item 525

Dear Mr. Jablon:

This office has been retained by Herschel and Ruth Polakoff concerning the above case which was postponed by Deputy Zoning Commissioner Kotroco on August 3, 1992, due to a conflict he had with the Petitioner, and to allowed an amendment to the original request.

Enclosed, please find the Amended Petition for Special Exception.

I would appreciate that this case be reschedule as soon as possible.

Very truly yours,
Harry L. Chase
HARRY L. CHASE

cc: File
Clients
HLC/11s

RECEIVED
AUG 12 1992
ZONING OFFICE

CHASE & CHASE
ATTORNEYS AT LAW
1190 W. NORTHERN PARKWAY, SUITE 184, BALTIMORE, MD 21204
(410) 488-4100
(410) 488-4174 FAX

HARRY L. CHASE
I. WILLIAM CHASE
BARTON J. SIDLE

September 8, 1992

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Stevens

RE: Case No.: 92-495-X
Legal owner: Herschel & Ruth Polakoff
Location: 10205 Davis Avenue

Dear Ms. Stevens:

This letter is in follow up of our telephone conversation of this date regarding the above referenced property which is currently scheduled for hearing on October 5, 1992.

As indicated in our conversation, I have a conflict with the date of October 5, 1992 and would appreciate if this hearing could be heard on either October 26, 1992 or November 2, 1992. Kindly advise my office as to which date is acceptable.

Thank you for your kind assistance with regard to this request.

Very truly yours,
I. William Chase
I. WILLIAM CHASE

cc: Herschel & Ruth Polakoff
File

IWC/11s

RECEIVED
SEP 9 1992
ZONING OFFICE

CHASE & CHASE
ATTORNEYS AT LAW
1190 W. NORTHERN PARKWAY, SUITE 184, BALTIMORE, MD 21204
(410) 488-4100
(410) 488-4174 FAX

HARRY L. CHASE
I. WILLIAM CHASE
BARTON J. SIDLE

September 9, 1992

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Stevens

RE: Case No.: 92-495-X
Legal owner: Herschel & Ruth Polakoff
Location: 10205 Davis Avenue

Dear Ms. Stevens:

Please be advised that our office sent you correspondence on September 8, 1992 regarding the above referenced property scheduled for hearing on October 5, 1992.

My clients have contacted my office on this date to inform me that their daughter will be having oral surgery on November 2, 1992. Therefore, please schedule this hearing for October 26, 1992 or kindly contact my office to review my calendar as to other dates available.

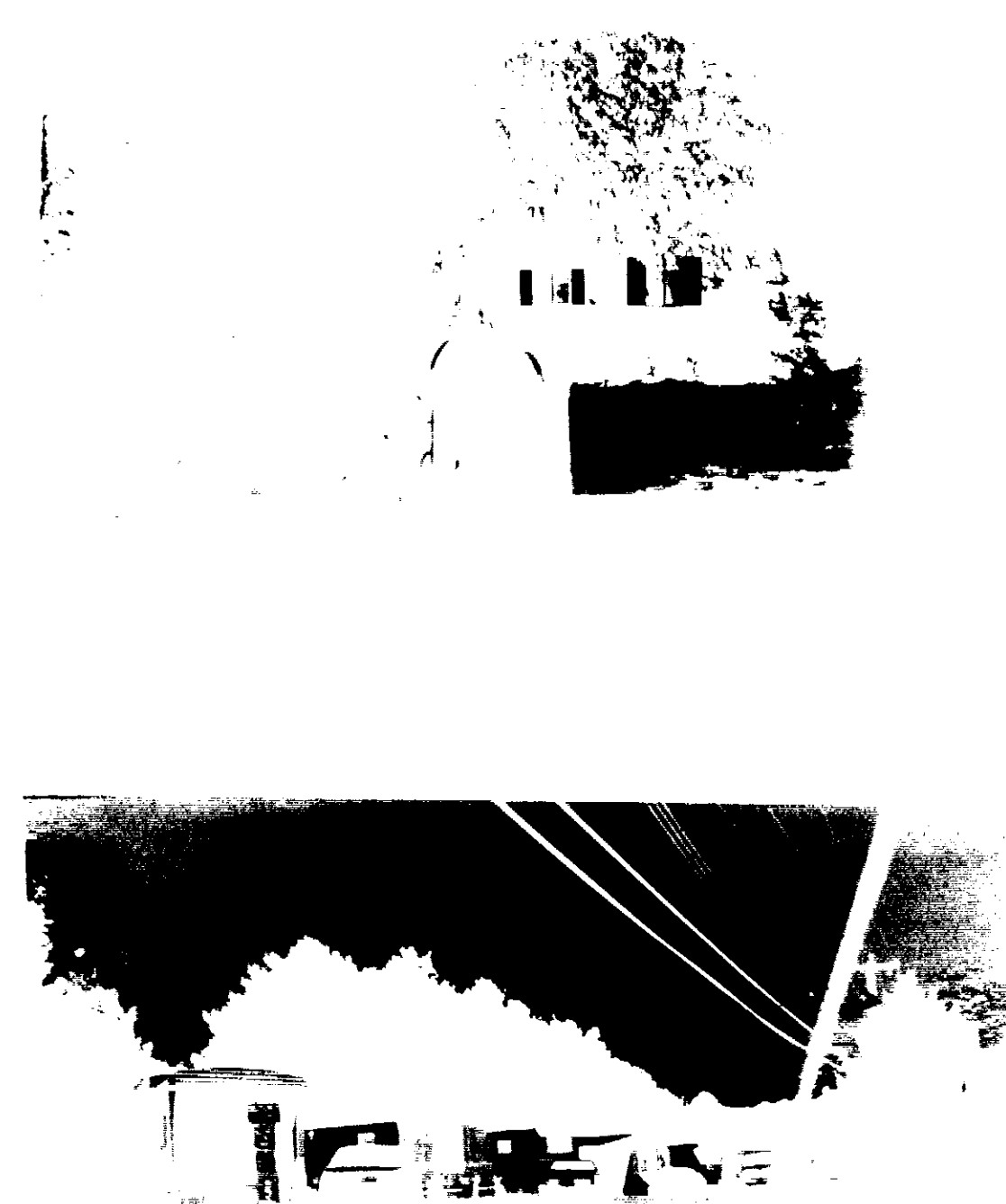
I thank you for your kind assistance with regard to this request.

Very truly yours,
I. William Chase
I. WILLIAM CHASE

cc: Herschel & Ruth Polakoff
File

IWC/11s

RECEIVED
SEP 10 1992
ZONING OFFICE



IN RE: PETITION FOR SPECIAL EXCEPTION
S/S Davis Avenue, 4300' W of
Wrights Mill Road
(10205 Davis Avenue)
2nd Election District
1st Councilmanic District
Herschel Polakoff, et ux
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* OF BALTIMORE COUNTY
* Case No. 92-495-X

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It is clear that the B.C.Z.R. permits the use proposed in an R.C.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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- 2 -

exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of October, 1992 that the Petition for Special Exception to keep an existing residential trailer on the subject property, zoned R.C. 5, pursuant to Sections 1A04.2.B.19 and 415.1.d of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioners would be required to file a new Petition.
- 2) The relief granted herein is limited to one (1) residential trailer on the subject property. There shall be no other trailers on the property other than the existing residential trailer and storage trailer as shown on Petitioner's Exhibit 1.

- 3 -

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 10/26/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/26/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/26/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 10/26/92
By [Signature]

- 4 -

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

October 26, 1992

(410) 887-4386

I, William Chase, Esquire
1190 W. Northern Parkway, Suite 124
Baltimore, Maryland 21210

RE: PETITION FOR SPECIAL EXCEPTION
S/S Davis Avenue, 4300' W of Wrights Mill Road
(10205 Davis Avenue)
1st Election District - 2nd Councilmanic District
Herschel Polakoff, et ux - Petitioners
Case No. 92-495-X

Dear Mr. Chase:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County
for the property located at 10205 DAVIS AVENUE
which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for residential trailer on R.C. 5 zone.

S. 1A04.2, B. 12A.10 415.1.d 502.1

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zip

Legal Owner(s):

(Type or Print Name)

Signature

Address

City State Zip

Address

City State Zip

Address

City State Zip

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City State Zip

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City State Zip

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City State Zip

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City State Zip

HYDROGRAPHY
TOPOGRAPHY
GEODESY

LEO W. RADER
REGISTERED PROFESSIONAL SURVEYOR

SUBDIVISION
ENGINEERING
TITLE SURVEY
LAND PLANNING

38 Belfast Road - Timonium, Maryland 21093

301-282-2920

May 14, 1992

DESCRIPTION TO ACCOMPANY A HEARING FOR A SPECIAL EXCEPTION

#10205 DAVIS AVENUE

BEGINNING for the same in or near the center of the macadam paving of Davis Avenue distant 4300 feet more or less measured westerly along Davis Avenue from Wrights Mill Road, thence running in the macadam paving of Davis Avenue by the two following courses and distances respectively, viz: North 60 degrees 28 minutes 56 seconds West 498.72 feet and North 59 degrees 19 minutes 31 seconds West 286.67 feet; thence by the six following courses and distances respectively, viz: South 8 degrees 11 minutes 33 seconds West 1937.14 feet, South 68 degrees 07 minutes 27 seconds East 296.16 feet, South 10 degrees 08 minutes 18 seconds East 37.95 feet, North 22 degrees 51 minutes 42 seconds East 1241.85 feet, North 87 degrees 06 minutes 42 seconds East 214.50 feet and North 2 degrees 23 minutes 28 seconds West 518.46 feet to the place of beginning.



Leo W. Rader

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd Date of Posting July 12, 1992
Posted for: Special Exception
Petitioner: Herschel and Ruth Polakoff
Location of property: 315 S. Davis Avenue, 4300' W of Wrights Mill Road
Location of Sign: Mar. front of 10205 Davis Avenue
Remarks: _____
Posted by: S. J. Grata Date of return: July 12, 1992
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/2, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/2, 1992

THE JEFFERSONIAN,

S. Zake Orban

Publisher

\$151.59

92-

QTY	PRICE
1 X	\$300.00
TOTAL:	\$300.00

04A04#0158MICHRC
BA C011841AM06-16-92
Please Make Checks Payable To: 04A04#0158MICHRC

[illegible]

44-38861-1000

111 West Chesapeake Avenue
Towson, MD 21204

Office of Zoning Administration
and Development Management
Office of Planning & Zoning

CEPY

410) 887-3533

DATE: 7-10-92

Herschel and Ruth Polakoff
7 Slade Avenue
Baltimore, Maryland 21208

RE:
92-495-X (Item 525)
5/S Davis Avenue, 4300' W of Wrights Mill Road
10025 Davis Avenue
2nd Election District - 1st Councilmanic
Petitioner(s): Herschel and Ruth Polakoff
HEARING: MONDAY, AUGUST 3, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 65.32 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Janklow

ARNOLD JANKLOW
DIRECTOR

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MAY 1, 1992

NOTICE OF HEARING

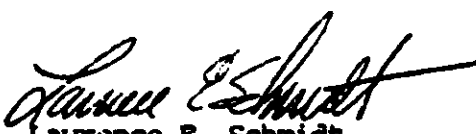
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

OR

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

92-495-X (Item 525)
S/S Davis Avenue, 4300' W of Wrights Mill Road
10205 Davis Avenue
2nd Election District - 1st Councilmanic
Petitioner(s): Herschel and Ruth Polakoff
HEARING: MONDAY, AUGUST 3, 1992 at 9:00 a.m. in Rm. 118, Courthouse.

Special Exception for a residential trailer.


Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Herschel and Ruth Polakoff

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 21, 1992


NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-495-X
LEGAL OWNER: HERSCHEL & RUTH POLAKOFF
LOCATION: 10205 DAVIS AVENUE

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:


MONDAY, OCTOBER 26, 1992 at 9:00 a.m.

IN THE OLD COURTHOUSE, ROOM 118, 400 WASHINGTON AVENUE, TOWSON,
MARYLAND 21204.



Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Herschel & Ruth Polakoff
Harry L. Chase, Esq.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

July 17, 1992

(410) 887-3353

Mr. & Mrs. Herschel Polakoff
7 Slade Avenue
Baltimore, MD 21208

RE: Item No. 525, Case No. 92-495-X
Petitioner: Herschel Polakoff, et ux
Petition for Special Exception


Dear Mr. & Mrs. Polakoff:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.


Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



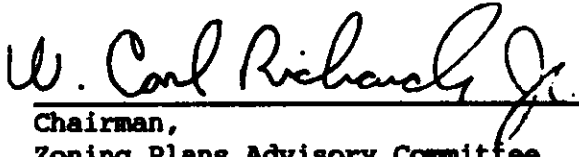
111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
16th day of June, 1992


ARNOLD JAPLON
DIRECTOR

Received By:


Chairman,
Zoning Plans Advisory Committee

Petitioner: Herschel Polakoff, et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized Signature _____ Date 7/6/92

Project Name _____
File Number _____ Waiver Number _____ Zoning Issue _____ Meeting Date _____

Stonegate at Patapsco (Aerial Property)

90476
ZON DED TE (Waiting for developer to submit plans first)

=====

COUNT 1

Rita M. and Edward R. Raab, Sr. 514 W/c 6-29-92

DED DEPRM RP STP TE 514 W/c 6-29-92

✓ Jeffrey J. and Deanna L. Deegan 523 N/c

DED DEPRM RP STP TE 523 N/c

✓ Charles M. and Virginia H. Loane 524 N/c

DED DEPRM RP STP TE 524 N/c

✓ Herschel and Ruth Polakoff 525 N/c

DED DEPRM RP STP TE 525 N/c

✓ Francis D. and Patricia M. Mull 526 N/c

DED DEPRM RP STP TE 526 N/c

✓ RMS Nominee, Inc. 527 W/c

DED DEPRM RP STP TE 527 W/c

✓ Juanita L. Cottrell 529 N/c

DED DEPRM RP STP TE 529 N/c

✓ The Middle River Baptist Church 530 N/c

DED DEPRM RP STP TE 530 N/c

✓ Merritt E. and Joann R. Olsen 531 N/c

DED DEPRM RP STP TE 531 N/c

Michael J. and Eugenia G. Zavedny 532 W/c

DED DEPRM RP STP TE 532 W/c

Baltimore County - Southwestern Bell Mobile Systems 533

6-743-92
7/1/92
8

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: June 30, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 29, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Edward & Rita Raab	- Item 514
Jeffrey & Deanne Deegan	- Item 523
Charles & Virginia Loane	- Item 524
Herschel & Ruth Polakoff	- Item 525
Francis Mull	- Item 526
Juanita Cottrell	- Item 529
Middle River Baptist Church-	- Item 530
Merritt & Joann Olsen	- Item 531
Michael & Eugenia Zavodny	- Item 532

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED
JUL 7 1992
ZONING OFFICE

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: *Ruth Polakoff* Date: *7/16/92*

Project Name: *Rite M. and Edward R. Reeb, Sr.* Meeting Date: *6-29-92*

File Number: *514* Waiver Number: *W/C* Zoning Issue: *N/C*

County: *W/C* Meeting Date: *6-29-92*

Item No.: *514* Zoning Agenda: *6-29-92*

RE: *Rite M. and Edward R. Reeb, Sr.*

Location: *514*

Item No.: *514* Zoning Agenda: *6-29-92*

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry D. ...* Noted and Approved: *Fire Prevention Bureau*

JP/KEK

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

JUNE 25, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: *HERSCHEL POLAKOFF AND RUTH POLAKOFF*

Location: *#10205 DAVIS AVENUE*

Item No.: *525 (JLL)* Zoning Agenda: *JUNE 29, 1992*

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry D. ...* Noted and Approved: *Fire Prevention Bureau*

JP/KEK

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: *Walter R. ...* Date: *7/6/92*

Project Name: *Rite M. and Edward R. Reeb, Sr.* Meeting Date: *6-29-92*

File Number: *514* Waiver Number: *W/C* Zoning Issue: *N/C*

County: *W/C* Meeting Date: *6-29-92*

Item No.: *514* Zoning Agenda: *6-29-92*

RE: *Rite M. and Edward R. Reeb, Sr.*

Location: *514*

Item No.: *514* Zoning Agenda: *6-29-92*

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry D. ...* Noted and Approved: *Fire Prevention Bureau*

JP/KEK

Baltimore County Government
Office of Zoning Administration and
Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: *HERSCHEL POLAKOFF AND RUTH POLAKOFF*

Location: *#10205 DAVIS AVENUE*

Item No.: *525 (JLL)* Zoning Agenda: *JUNE 29, 1992*

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jerry D. ...* Noted and Approved: *Fire Prevention Bureau*

JP/KEK

CHASE & CHASE
ATTORNEYS AT LAW
1190 W. NORTHERN PARKWAY, SUITE 184, BALTIMORE, MD 21204
(410) 488-4100
(410) 488-4174 FAX

HARRY L. CHASE
I. WILLIAM CHASE
BARTON J. SIDLE

July 31, 1992

RE: 92-495-X Item 525

Dear Mr. Kotroco:

This office has been retained by Herschel and Ruth Polakoff concerning the above case which is set in for hearing on August 3, 1992.

It is my understanding that Mr. Polakoff filed the request for special exceptions on his own and may be lacking the necessary legal verbiage to be successful at such a hearing. Since we have retained as of July 30, 1992, our office is requesting a postponement in order to review the file and possibly amend the application.

I would appreciate any consideration you would be able to give in this matter concerning our request.

Very truly yours,
HARRY L. CHASE

cc: File
HLC/lls

CHASE & CHASE
ATTORNEYS AT LAW
1190 W. NORTHERN PARKWAY, SUITE 184, BALTIMORE, MD 21204
(410) 488-4100
(410) 488-4174 FAX

HARRY L. CHASE
I. WILLIAM CHASE
BARTON J. SIDLE

August 11, 1992

RE: 92-495-X Item 525

Dear Mr. Jablon:

This office has been retained by Herschel and Ruth Polakoff concerning the above case which was postponed by Deputy Zoning Commissioner Kotroco on August 3, 1992, due to a conflict he had with the Petitioner, and to allowed an amendment to the original request.

Enclosed, please find the Amended Petition for Special Exception.

I would appreciate that this case be reschedule as soon as possible.

Very truly yours,
HARRY L. CHASE

cc: File
Clients
HLC/lls

RECEIVED
AUG 12 1992
ZONING OFFICE

CHASE & CHASE
ATTORNEYS AT LAW
1190 W. NORTHERN PARKWAY, SUITE 184, BALTIMORE, MD 21204
(410) 488-4100
(410) 488-4174 FAX

HARRY L. CHASE
I. WILLIAM CHASE
BARTON J. SIDLE

September 8, 1992

Baltimore County Government
Office of Zoning Administration and
Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Stevens

RE: Case No.: 92-495-X
Legal owner: Herschel & Ruth Polakoff
Location: 10205 Davis Avenue

Dear Ms. Stevens:

This letter is in follow up of our telephone conversation of this date regarding the above referenced property which is currently scheduled for hearing on October 5, 1992.

As indicated in our conversation, I have a conflict with the date of October 5, 1992 and would appreciate if this hearing could be heard on either October 26, 1992 or November 2, 1992. Kindly advise my office as to which date is acceptable.

Thank you for your kind assistance with regard to this request.

Very truly yours,
I. WILLIAM CHASE

cc: Herschel & Ruth Polakoff
File

IWC/lls

RECEIVED
SEP 9 1992
ZONING OFFICE

CHASE & CHASE
ATTORNEYS AT LAW
1190 W. NORTHERN PARKWAY, SUITE 184, BALTIMORE, MD 21204
(410) 488-4100
(410) 488-4174 FAX

HARRY L. CHASE
I. WILLIAM CHASE
BARTON J. SIDLE

September 9, 1992

Baltimore County Government
Office of Zoning Administration and
Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Stevens

RE: Case No.: 92-495-X
Legal owner: Herschel & Ruth Polakoff
Location: 10205 Davis Avenue

Dear Ms. Stevens:

Please be advised that our office sent you correspondence on September 8, 1992 regarding the above referenced property scheduled for hearing on October 5, 1992.

My clients have contacted my office on this date to inform me that their daughter will be having oral surgery on November 2, 1992. Therefore, please schedule this hearing for October 26, 1992 or kindly contact my office to review my calendar as to other dates available.

I thank you for your kind assistance with regard to this request.

Very truly yours,
I. WILLIAM CHASE

cc: Herschel & Ruth Polakoff
File

IWC/lls

RECEIVED
SEP 10 1992
ZONING OFFICE

